

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.61681-M of 2005

Date of Decision:- 05.04.2007

Gurdeep Singh

....Petitioner(s)

through

Mr.Sandeep Majithia, Advocate

vs.

State of Punjab & anr.

....Respondent(s)

through

Mr.Rajesh Bhardwaj, DAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1.Whether Reporters of the local papers may be allowed to see the judgment?
- 2.To be referred to the Reporters or not?
- 3.Whether the judgment should be reported in the Digest?

SURYA KANT, J.

In this petition under Section 482 Cr.P.C., the petitioner seeks quashing of Calendra under Section 182 I.P.C. dated 19.3.2005 (Annexure P-4).

As may be noticed from the Calendra itself, the petitioner (Gurdeep Singh) while he was admitted in the Civil Hospital, Nakodar, made a complaint that he along with his wife and children was coming on scooter from the village of his sister to his own village Sidhwan when they were attacked by three persons, who were riding on a motor-cycle and who started giving blows to the complainant and his wife with iron rods and that meanwhile four more persons also joined them.

On the basis of the above-stated statement of Gurdeep Singh, F.I.R.No.235 dated 10.7.2003 under Sections 308/34 IPC was registered at Police Station, Nakodar.

It appears that upon investigation the allegations made by Gurdeep Singh were found to be false by the police.

Consequently, the police submitted a cancellation report and then initiated the impugned proceedings against the complainant Gurdeep Singh under Section 182 IPC.

There is no denial to the fact that though the police presented a cancellation report which was accepted by the Court concerned, however, the petitioner-Gurdeep Singh has thereafter filed a private criminal complaint in which accused persons have been summoned and they are facing trial.

A petition filed by one of the accused-persons for quashing of the said criminal complaint has been dismissed by a separate order of even date.

The resultant effect is that there is no final judicial verdict to the effect that the allegations made by Gurdeep Singh which led to registration of the F.I.R., were false.

In this view of the matter, initiation of proceedings under Section 182 IPC against him, at this stage, is wholly pre-mature.

Consequently and for the reasons afore-stated, the Calendra under Section 182 I.P.C. dated 19.3.2005 (Annexure P-4) and all the proceedings arising therefrom are hereby quashed.

April 05, 2007
poonam

(SURYA KANT)
JUDGE